GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:32
ANSWERED ON:25.02.2016
Judicial Reforms
Chowdhury Shri Adhir Ranjan

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the present status of The High Court and The Supreme Court Judges (Salaries and Condtions of Service) Amendment Bill, 2015 as passed by LokSabha on 7 December, 2015;

(b) the objectives of the said Bill;

(c) the time by which the said bill is likely to be implemented; and

(d) whether the objective of One Rank One Pension for Judges is also addressed in the said Bill and if so, the details thereof?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) to (d): The Hon'ble Supreme Court had, inter-alia, allowed the prayerin a Writ Petition (Civil) No.521/2002 titled as P. RamakrishnamRajuVs Union of India & Others vide judgment dated the 31st March, 2014 directing that "for pensionary benefits, ten years practice as an advocate be added as qualifying service for Judges elevated from the Bar with effect from the 1st April, 2004, the date on which section 13A was inserted by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005 (46 of 2005)." In view of the above order, Government had approved appropriate amendment to the High Court Judges (Salaries and Conditions of Service) Act, 1954.
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2

With the passage of time, certain provisions in the High Court Judges (Salaries and Conditions of Service) Act, 1954 as well as in the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 have become spent and outdated. A review had been undertaken and it was decided to remove the same for clarity by amending the aforesaid Acts. Some of the provisions relating to determination of leave allowances of judges in both the Acts needed to be simplified.

The High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015, as passed by the LokSabha on 07.12.2015, will be moved in the RajyaSabha for its consideration and passing during the current Session of Parliament. The Bill does not envisage One Rank One Pension for Judges. The provisions of the Bill will be implemented once the Bill is passed by the RajyaSabhaalso and assented to by the President of India.